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| 09/631,540 | 08/03/2000 | Ryoichi Imanaka | MAT-3720US2 | 9344 |
| 23122 | 7590 | 07/07/2009 | EXAMINER | |
| RATNERPRESTIA | | | PARRY, CHRISTOPHER L | |
| P.O. BOX 980 | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/631,540

Applicant(s)

IMANAKA, RYOICHI

Examiner

CHRIS PARRY

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 25-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lett et al. "Lett" (USPN 5,592,551).

Regarding Claim 25, Lett discloses a subscriber apparatus (subscriber terminal 14 – figs. 1-3) for receiving an output signal outputted from a server apparatus (10/12 – figs. 1-2) (Col. 7, lines 20-37) comprising:

a receiving unit (124 – fig. 3) for receiving a subscriber's request (i.e., subscriber makes selections using remote control 126) to indicate whether the output signal is recorded into a recording medium or the output signal is displayed on a display terminal (20 – fig. 2) (i.e., when a user selects to view a pay-per-view events, the user can select

to either purchase and view the pay-per-view events on TV 20 or the user may select to record the event and output the signal to VCR 18) (see figs. 3 & 9; Col. 9, lines 1-42 and Col. 14, lines 38-67);

a transmitter (154 – fig. 3) for transmitting an information according to the subscriber's request to said server apparatus (i.e., RF-IPPV module 154 transmits the subscriber's authorization requests for pay-per-view events and data stored associated with the purchase of the pay-per-view events to system manager 22) (Col. 10, lines 49-67);

wherein charging amount for providing the output signal is decided based on the information from said transmitter (i.e., system manager 22 receives the data associated with the purchase of events from the subscriber terminal 14 and generates the billing information for the pay-per-view events purchased by the subscriber) (Col. 4, line 41 to Col. 5, line 4 and Col. 10, lines 52-60).

As for Claim 26, Lett teaches wherein the subscriber's request indicates whether the output signal is recorded into a recording medium or the output signal is displayed on a display terminal without recording the output signal (i.e., using the menu provided in figure 9, the subscriber selects whether to purchase the pay-per-view event without recording the output signal or to record the pay-per-view event into a recording medium such as cassette tape in VCR 18) (Col. 14, lines 38-67; Col. 10, lines 52-60; and Col. 9, lines 1-15).

As for Claim 27, Lett teaches a server apparatus [10/12] used with the subscriber apparatus [14] according to claim 25, wherein said server apparatus [10/12] decides the charging amount for providing the output signal based on the information from said transmitter (i.e., system manager 22 generates billing information for the subscriber based on data received from the subscriber terminal associated with pay-per-view event purchases) (Col. 4, line 41 to Col. 5, line 4 and Col. 10, lines 52-60).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

CHRIS PARRY
Examiner
Art Unit 2421

/C. P./
Examiner, Art Unit 2421